



May 11, 2005

Honorable Dean J. Chu  
Mayor  
City of Sunnyvale  
456 West Olive Avenue  
P. O. Box 3707  
Sunnyvale, CA 94088-3707

Dear Mayor Chu and Members of the City Council:

The 2004-2005 Santa Clara County Civil Grand Jury is transmitting to you its Final Report, **Tasers – Training and Tracking.**

California Penal Code § 933(c) requires that a governing body of the particular public agency or department which has been the subject of a Grand Jury final report shall respond within **90 days** to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the governing body. California Penal Code § 933.05 contains guidelines for responses to Grand Jury findings and recommendations and is attached to this letter.

**PLEASE NOTE:**

1. As stated in Penal Code § 933.05(a), attached, you are required to "Agree" or "Disagree" with each APPLICABLE Finding(s) 1. *If you disagree, in whole or part, you must include an explanation of the reasons you disagree.*
2. As stated in Penal Code § 933.05(b), attached, you are required to respond to each APPLICABLE Recommendation(s) 1A & 1B, *with one of four possible actions.*

Your comments are due in the office of the Honorable Alden E. Danner, Presiding Judge, Santa Clara County Superior Court, 191 North First Street, San Jose, CA 95113, no later than **August 11, 2005.**

Copies of all responses shall be placed on file with the Clerk of the Court.

Sincerely,

MICHAEL A. SMITH  
Foreperson  
2004-2005 Civil Grand Jury

MAS:dsa  
Enclosures (2)

**California Penal Code Section 933.05, in relevant part:**

**933.05.** (a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding.
- (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.



## 2004-2005 SANTA CLARA COUNTY CIVIL GRAND JURY REPORT

(ENDORSED)  
**FILED**  
MAY 11 2005  
KIRI TORRE  
Chief Executive Officer  
Superior Court of CA County of Santa Clara  
BY D. ALDYCKI DEPUTY

### TASERS – TRAINING AND TRACKING

#### Summary

The 2004-2005 Santa Clara County Civil Grand Jury (Grand Jury) conducted an inquiry on the use of tasers by law enforcement agencies within Santa Clara County (County). The taser is a relatively new force option which fires electrically charged darts to briefly disable a subject. An increasing number of law enforcement agencies within the United States use tasers. The San Jose Police Department (SJPd) and several other law enforcement agencies in Santa Clara County have trained and equipped their officers with tasers.

The Grand Jury inquiry resulted in one finding and two recommendations. The Grand Jury found that taser training is not uniform or coordinated among County law enforcement agencies. The Grand Jury recommends that County law enforcement agencies should:

- Create a professional forum which meets on a regular basis to share and evaluate agency experiences with tasers; and
- Establish defined protocols and guidelines for using tasers, including tracking any use of tasers.

#### Background

For purposes of this report, the term "taser" will refer to any device that is designed to temporarily immobilize a person with an electrical charge or shock through the use of a pair of projectiles. The "taser" is often confused with the "stun gun". In the California Penal Code, Section 12650, a "stun gun" is defined as "any item, except a taser, used or intended to be used as either an offensive or defensive weapon capable of temporarily immobilizing a person by the infliction of an electrical charge." To use a stun gun, one needs to be within arm's reach of the subject and make *direct* physical contact with the stun gun. On the other hand, with a taser the subject can be up to 31 feet away.

The taser can be useful in dealing with individuals who are physically threatening, assaultive, attempting to flee a detention or arrest, resistive or physically uncooperative.

Typically, taser manufacturers assert that:

- Taser devices are among the safest "less than lethal use of force" options available to law enforcement;
- Tasers are designed to incapacitate dangerous, combative, or high-risk individuals; and
- Law enforcement agencies save, by cost reductions, in the areas of third-party liability, workers' compensation and employment practices liability.

It is often stated that the taser discharges "50,000 volts of electricity" into the subject. This is correct but both incomplete and misleading since high voltage by itself may not be dangerous. For example, one can receive a 25,000 volt shock of static electricity from a doorknob without harm. High voltage has to be combined with a sufficiently high electrical current to achieve the disruption of neuromuscular control. For more details about taser technology, see Appendix A.

The taser utilizes compressed gas or an explosive charge to project two probes up to 31 feet (21- and 25-foot cartridges are also available) at speeds of over 160 feet per second. The probes are connected to the taser device by insulated wires. An electrical impulse is transmitted through the wires to the point where the probes make contact with the body or clothing, with the intent that the person's ability to perform coordinated action is lost for the duration of the impulse.

In the Fall of 2003, the Cincinnati (Ohio) Police Department issued 1,100 tasers to its officers and found that the most significant, high-priority challenges were in establishing standards, policies and consistent training in order that officers could use the tasers effectively. Officers were trained in small groups of 20, with sessions lasting eight hours. Over 80% of the officers volunteered to be exposed to a full five-second shock from the taser, similar to one they would use on a subject.

In recent years, many of the law enforcement agencies in Santa Clara County have begun to use tasers, and many of the same standards and training issues are emerging.

## **Discussion**

### **GRAND JURY SURVEY**

In February 2005, as part of its inquiry, the Grand Jury sent a survey to each law enforcement agency in Santa Clara County seeking information about each agency's use of tasers, training for their use, and experiences in using them. Twelve law enforcement agencies in the County were contacted. Six of the 12 (see Appendix B) use a total of 806 tasers – SJPd uses 665 of them. Other law enforcement agencies in the County are evaluating the devices for possible future purchase and use. The survey also included questions about training, and determined that each agency has its own standards for training and proficiency as well as the number of training hours required.

In December 2004, SJPd published a six-month report on its use of tasers from May 1, 2004 through October 31, 2004. This study was conducted at the direction of the San Jose Chief of Police. Since tasers are a relatively new tool, SJPd initiated the study to determine if tasers are being used effectively and if any training issues have arisen. Of the 110 SJPd calls for service in which a taser was used during this period, 58% of the subjects were assessed to be under the influence of drugs or alcohol, 15% to be suffering from mental illness, and 5% were affected by both drugs and mental illness. The above 110 incidents represented 0.04% of all calls for service. The taser was effective in taking a subject into custody 79% of the time. Some of the reasons for ineffectiveness were the obstructive thickness of a subject's clothing, the limitation of the 21-foot wires, or one or both darts failing to hit the subject.

The number of SJPd officer injuries resulting from physical altercations with subjects was reported to be reduced 20% when compared to the same time period the previous year, before the issuance of tasers.

SJPd stated that it will continue to monitor the use of tasers to update ongoing training efforts and to facilitate future administrative and operational policy-making processes.

## **DEBATE ABOUT TASER USE**

Not everyone is satisfied with claims about the safety and effectiveness of the taser. The American Civil Liberties Union and Amnesty International are major critics of the taser and have characterized the electrical discharge as possibly unsafe. They and some academic researchers are calling for more safety studies. They cite cases in which the taser was thought to be a contributing factor to the cause of death of some individuals. The president of Amnesty International recently claimed that coroners and medical examiners have cited taser use as possibly being a contributing factor to more than 90 deaths since 2001.

Taser manufacturers insist that these devices are safe and claim they are open to independent studies. The manufacturers cite published scientific and medical research to back their claims and have invited critics to participate in an independent joint study. However, early assessments, often subjective, cannot accurately qualify or disqualify a control method for law enforcement officers.

In its January 2005 final report focusing on the handling of mentally ill individuals in the criminal justice system, the Miami-Dade County (Florida) Grand Jury stated, "...our belief that the continued (and even expanded) use of tasers by law enforcement officers in our community will save lives and prevent injuries to officers and offenders alike." The Miami-Dade County Grand Jury continued by encouraging "...the use of tasers by police as a 'less than lethal' weapon in their confrontations and dangerous encounters...and we strongly recommend that police departments in our community continue to train and equip its officers with tasers. It saves lives!!"

The 2004-2005 Santa Clara County Civil Grand Jury makes no finding as to the effectiveness of tasers, the risk factors associated with their use, or the adequacy of specific agency policies for the use of tasers within Santa Clara County. Each law enforcement agency should evaluate the pros and cons of the taser as a force option and determine its appropriateness for the community it serves.

## **PENDING CALIFORNIA LEGISLATION INVOLVING TASERS**

An increasing number of law enforcement agencies across California are adopting the use of tasers. As a result, Assembly Bill 1237 was introduced on February 23, 2005 to propose changes to Sections 12020 and 12650 of the California Penal Code. The stated intent of the California Assembly person who introduced this bill was to "get the facts" on how law enforcement is using tasers. This Assembly Bill, if passed as proposed, would prohibit the ownership of tasers and taser-like devices by anyone other than law enforcement officers. Further, this proposed bill would require each law enforcement agency to track and submit monthly reports on details of each incident where a taser is drawn from a holster, and to provide specific departmental policies on taser use along with

detailed training information. Further, the Assemblyperson stated that he plans to amend his bill to allocate at least \$100,000 for an independent medical review of tasers.

A comparison of the data to be tracked under the proposed AB 1237 with the data currently being tracked by SJPd can be found in Appendix C.

## **COMMISSION ON CALIFORNIA PEACE OFFICER STANDARDS AND TRAINING**

The Commission on Peace Officer Standards and Training (POST) was established by the Legislature in 1959 to set minimum selection and training standards for California law enforcement. In recent conversations with a training consultant at POST, it was stated that POST is developing draft recommendations for taser training. To date, no specific timeline has been set for completion of these recommendations.

## **Conclusions**

The Grand Jury inquiry resulted in one finding and two recommendations.

### **Finding 1**

Guidelines for taser training, usage and tracking are not coordinated among law enforcement agencies in Santa Clara County.

### **Recommendation 1a**

Law enforcement agencies in Santa Clara County should create a professional forum which meets on a regular basis to share and evaluate agency training and experience with tasers.

### **Recommendation 1b**

Law enforcement agencies in Santa Clara County should establish defined protocols and guidelines for using tasers, including tracking any use of tasers.

PASSED and ADOPTED by the Santa Clara County Civil Grand Jury on this 28<sup>th</sup> day of April 2005.



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Michael A. Smith  
Foreperson

## References

### Documents

1. TASER International website. <[www.taser.com](http://www.taser.com)>, (Last viewed on 20 March 2005).
2. Stinger Systems website. <[www.stingersystems.com](http://www.stingersystems.com)>, (Last viewed on 20 March 2005).
3. Law Enforcement Associates website. <[www.leacorp.com](http://www.leacorp.com)> (Last viewed on 20 March 2005).
4. MDM Group website. <[www.mdmgroupinc.com](http://www.mdmgroupinc.com)>, (Last viewed on 20 March 2005).
5. "In Search of the Star Trek Phaser", *Police Magazine*, March 2005, pgs. 46 – 50.
6. "Navigating the Learning Curve", *Police Magazine*, Feb. 2005, pgs. 42 – 50.
7. "Electrical Storm", *Police Magazine*, June 2002, pgs. 34 – 42.
8. "From Zap to Zzzzz". Anita Hamilton, *Time*, 28 March 2005, p. 43.
9. "Calls Grow for Further Research on Stun Guns", *New York Times*, 17 Feb. 2005.
10. "S.J. Releases Taser Report", Crystal Carreon, *San Jose Mercury News*, 4 Dec. 2004.
11. "Assembly Bill No. 1237", California State Assembly, Introduced 22 Feb. 2005.
12. "Taser Usage Study May 1 through October 31, 2004", San Jose Police Department, San Jose, CA. Received by the Grand Jury on 3 Dec. 2004.
13. "X 26 TASER – "Safety Every Officer Deserves", Taser International Training Video and Information Disk - CD, Version 11.
14. "Illness and The Criminal Justice System: A Recipe for Disaster/A Prescription for Improvement", Final Report of the Miami-Dade County Grand Jury Spring Term A.D. 2004. Filed 11 Jan. 2005.

### Presentations

1. "Taser International/Amnesty International Debate", Center for the Study of the Holocaust, Genocide and Human Rights, Claremont McKenna College, Claremont, California, 9 March 2005.
2. San Jose Police Department Presentation to Civil Grand Jury, 11 Aug. 2004.

### Interviews

1. Training Consultant, Commission on Peace Officer Standards and Training (POST), 4 April 2005.

### Training Overviews

1. Taser International M26 and X26 Instructor Courses, Evergreen Police Academy, San Jose, CA, 9-10 Aug. 2004.

## **Appendix A**

### **Explanation of Taser Technology**

The TASER (Thomas A. Swift Electric Rifle) was invented by John H. Cover and patented in 1974 (U. S. Patent 3803463). This patent describes a number of different ways to generate short-duration, high-voltage, electrical pulses. The leading manufacturer and model being purchased by law enforcement is the Taser International X26. For purposes of this technical discussion, we will focus our discussion on this representative model.

The electrical pulse generated by this representative taser, has an electrical output of 50,000 volts, an average current of 3.6 milliamperes (0.0036 amperes), and 0.36 joules of energy per pulse. [Note, in contrast a heart defibrillator delivers up to 360 joules of energy to attempt to restore normal heart rhythm.] The X26 uses a "shaped" pulse that consists of two portions, a high-voltage low-current portion to create the arc and a second portion with lower voltage and higher current to cause the electromuscular disruption.

Pulling and releasing the trigger on the X26 automatically delivers 19 electrical pulses per second during the first two seconds and drops to 15 pulses per second for the remaining three seconds.

Holding and not releasing the trigger will deliver a continuous burst. In the X26, the first two seconds will deliver 19 pulses per second and then deliver 15 pulses per second. The electrical discharge will stop when the trigger is released.

The electrical stimulus produces uncontrollable muscle contractions that cause the targeted individual to become immobilized and be restrained. The subject remains incapacitated for as long as the electrical pulses are applied.



# Appendix B

## Summary Data from Grand Jury Questionnaire

Agency Name	Tasers	Acquisition Date(s)	# Units	% Units in SCC	Usage by Group			Assignment		Designated Training Supervisor	Total Training Hours
					Patrol	Detect	Bureau	Other	Indiv. Assigned	Checkout Pool	
Campbell PD	X	1994	24	3.0%	X	-	-	-	X	-	8
Gilroy PD	X	06/04	53	6.6%	X	-	-	SWAT	X	-	6
Los Altos PD	-	-	0	0.0%	-	-	-	-	-	-	-
Los Gatos/MS PD	-	-	0	0.0%	-	-	-	-	-	-	-
Milpitas PD	X	1989	22	2.7%	X	X	-	X	-	X	-
Morgan Hill PD	X	7/02, 1/05	32	4.0%	X	X	-	X	X	-	3
Mtn View PD	X	2002	10	1.2%	X	X	X	X	-	X	5
Palo Alto PD	-	-	0	0.0%	-	-	-	-	-	-	4
San Jose PD	X	5/04	665	82.5%	X	X	-	-	X	X	-
Santa Clara PD	-	-	0	0.0%	-	-	-	-	-	-	4
Sunnyvale DPS	-	-	0	0.0%	-	-	-	-	-	-	-
SCC Sheriff	-	-	0	0.0%	-	-	-	-	-	-	-
Santa Clara County			806	100%							

# Appendix C

## Comparison of Information to be Tracked under Proposed AB 1237 with Information Tracked in San Jose Police Department Report

<u>SJPD REPORT / STUDY</u>		SJPD	AB 1237
1	Number of Times Deployed	✓	✓
	a) Air Tase	✓	n/a
	b) Drive Stun	✓	n/a
	c) BOTH Air Tase & Drive Stun	✓	n/a
2	Manner of Deployment/ Circumstances)	✓	✓
3	Number of TTL Calls For Service where taser was used	✓	✓
4	Number of Times Taser Used – Self-Initated Action	✓	✓
5	Race Breakdown by Taser Use	✓	✓
6	Race Breakdown by Arrests/Cites	✓	✓
7	Number of calls for service – Patrol Division	✓	n/a
8	Gender of Suspects	✓	✓
9	Number of Adults	✓	✓
10	Number of Juveniles	✓	✓
11	Number of Suspects Under Influence Drugs and/or Alcohol	✓	✓
12	Number of Suspects w/Mental Illness (ID'd before or after event)	✓	✓
13	Number of Suspects w/ Mental Illness AND Drugs or Alcohol	✓	✓
14	Number of Officer Injuries W/ taser (5/04 - 10/04) W/O taser (5/03 - 10/03)	✓	n/a

## Appendix C (cont'd.)

<u>AB 1237 (As Proposed)</u>	
<b>12602</b>	
<b>Sec A</b> Monthly reporting starting 1/06 to California Dept. of Justice	
Agency use Tasers? Y/N	
Number of times Unholstered	
<b><u>INCIDENT / SUMMARY REPORTS INCLUDE:</u></b>	
<b>1</b> Taser unholstered/drawn Y/N	
Aimed? Y/N	
Laser sight used? Y/N	
<b>2</b> If used to shock? Y/N	
<b>3</b> Original Reason for Contact	
<b>4</b> Reason for using Taser	
<b>5</b> Manner Taser was used	
<b>6</b> Number of Shocks given	
Length of each Shock	
<b>7</b> How effective was use of Taser?	
<b>8</b> Was Suspect Arrested? Y/N If so, state charge.	
<b>9</b> Age, Gender, Race/Ethnicity	
<b>10</b> Under Influence Drugs or Alcohol? Y/N	
<b>11</b> Suffering from Mental Illness? Y/N	
<b>12</b> Ofc. Injured in case where Taser Used? Y/N	
<b>13</b> Suspect Injured in case where Taser Used? Y/N	

SJPD	AB 1237
n/a	✓
n/a	✓
	✓
	✓
✓	✓
✓	✓
✓	✓
✓	✓
✓	✓
✓	✓
✓	✓
✓	✓
✓	✓
✓	✓
✓	✓

## Appendix C (cont'd.)

<u>AB 1237 (As Proposed)</u>		SJPD	AB 1237
14	Medical Treatment of Suspect if Taser used? Y/N	✓	✓
	Medical Treatment Administered by IF Medical Treatment	✓	✓
	- Treat & Release Y/N	✓	✓
	- Hospital Admission Y/N	✓	✓
12602			
Sec B	For Year 2006 – Submit by 3/1/07		
1	Copy of Departmental Policies	✓	✓
2	What training is required?	✓	✓
3	Number of calls where Taser Used	✓	✓
4	Number of self-initiated calls where Taser was Used	✓	✓
5	Race or Ethnicity of Suspects where Taser was Used	✓	✓
	Race or Ethnicity of Suspects Arrested or Cited	✓	✓
6	Total number of Calls for Service by Patrol Officers	✓	✓
7	Number of Hospital Admissions of Suspects injured by Taser	✓	✓
8	Number of Deaths following persons shocked by a Taser	✓	✓
9	CA DOJ to collect/compile data no later than 7/1/07 – Report to Legislature – details.	n/a	✓